

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

JOHN BARNES,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CASE NO.:

PLAINTIFF'S COMPLAINT FOR
DAMAGES

I. PARTIES

1. Plaintiff is a natural person residing in Thurston County, Washington.
2. Defendant is liable to plaintiff under 28 USC §1346(b) based upon the tortious conduct of SAMUEL MEYER who was acting within the scope of his duties for the Department of the Army.

II. JURISDICTION AND VENUE

3. The US District Court has jurisdiction in this matter pursuant to 28 USC §1346(b).
4. The events giving rise to this action took place, in whole or in part, in the Western District of Washington, Tacoma Division.

PLAINTIFFS' COMPLAINT FOR DAMAGES - 1

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1 5. Pursuant to 28 USC §2675(a), plaintiff filed a Claim for Damages with the
2 Department of the Army on August 17, 2020.

3 6. It has been more than 6 months since plaintiff's Claim for Damages was
4 filed and no final disposition of plaintiff's claim has been made.
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6 III. KEY FACTS

7 7. This is an action for damages due to personal injuries to plaintiff JOHN
8 BARNES.

9 8. On January 3, 2019, SAMUEL MEYER was making a left turn from a
10 parking lot onto Clark Road on Joint Base Lewis-McChord. He failed to yield right of
11 way and crashed into a southbound 2004 Mitsubishi Outlander driven by JOHN
12 BARNES.
13

14 9. The force of the impact spun JOHN BARNES' car around and pushed it
15 into the oncoming lane of traffic.

16 10. The January 3, 2019 collision was caused by the negligence of SAMUEL
17 MEYER in the operation of his vehicle.
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19 11. At the time of the January 3, 2019 collision, SAMUEL MEYER was acting
20 within the course and scope of his office or employment with the United States Army.
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22 IV. CLAIMS

23 12. Defendant is liable to plaintiff under the Federal Tort Claims Act and
24 RCW 46.61 for the negligent acts of SAMUEL MEYER.

25 13. As a result of the January 3, 2019 collision, JOHN BARNES was injured.
26 /
27

1 14. As a result of the injuries suffered in the January 3, 2019 collision, JOHN
2 BARNES required cervical discectomy and fusion surgery at the C4-C6 level in his
3 neck.

4 15. As a result of his injuries from the January 3, 2019 collision, JOHN
5 BARNES has a permanent, partial disability.

6 16. According to the *Guides for Evaluation of Permanent Impairment, 5th ed*,
7 JOHN BARNES has a 15%-18% whole person impairment as a result of his injuries
8 from the January 3, 2019 collision.
9


10 WHEREFORE: Plaintiff prays for the following relief:

11 1. Judgment against the UNITED STATES OF AMERICA for plaintiff's
12 general and special damages arising from the January 3, 2019 collision.

13 2. For costs and attorney's fees as allowed by statute.

14 3. For such other and further relief as to the Court may deem just and
15 equitable in the premises.
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17 Dated this 25th day of May, 2021.

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